

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD CLARK,

Defendant.

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8:06CR21

ORDER

This matter is before the court on the motion to continue by defendant Edward Clark (Clark) (Filing No. 10). Clark seeks a continuance of the trial of this matter for at least thirty days. Clark's counsel represents that counsel for the government has no objection to the motion. Upon consideration, the motion will be provisionally granted. Clark must file an affidavit in accordance with paragraph 9 of the progression order whereby Clark consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act **on or before April 14, 2006.**

IT IS ORDERED:

1. Clark's motion to continue trial (Filing No. 10) is granted subject to Clark's filing the affidavit set forth above.

2. Trial of this matter is re-scheduled for **June 5, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 5, 2006 and June 5, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge